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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,544	09/29/2000	Georgios Chrysanthakopoulos	03797.85750	2723

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/676,544	CHRYSTANTHAKOPOULOS ET AL.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 8/18/2005 has been placed of record in the file.
2. No claims have been amended.
3. Claims 30-33 have been added.
4. Claims 1-7 and 16-33 are now pending.
5. The applicant's arguments with respect to claims 1-7 and 16-29 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 and 16-29 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Warchol et al. (U.S. Patent Number 5,652,837), hereinafter referred to as Warchol, in view of Liang (U.S. Patent Number 5,537,099) as presented in the previous action dated 5/18/2005.
8. New claims 30-33 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Warchol in view of Liang.
9. Claim 30 recites the new limitation of "identifying a first device coupled to a first port of the computer and a second device coupled to a second port of the computer, the first port configured to be a management port." This limitation is disclosed by the combination of Warchol and Liang. See Warchol, figure 1, items 30, 32, 34.

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10. Claim 30 recites the new limitation of “authorizing the execution of the management command irrespective of an identifier of the first device.” As discussed in the previous action, the combination of Warchol and Liang discloses authorizing the execution of the management command. See Warchol, column 8, lines 25-32. In terms of “irrespective of an identifier of the first device,” it can be seen that this is an obvious variation over the combination of Warchol and Liang. The combination of Warchol and Liang uses a unique identifier to determine whether the management command was received via the management port. However, computers maintain a multitude of identifiers, some unique and some not. For example, identifiers could include addresses such as a physical address, a virtual address, an Internet (or other network) address, as well as names or strings used to label various procedures, programs, or memories. Since the combination of Warchol and Liang uses a single unique identifier, it would be a clear extension of the combination to carry out the same procedures irrespective of any other identifier of the first device. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to modify the combination of Warchol and Liang by adding the ability to authorize the execution of the management command irrespective of an identifier of the first device.

11. Claim 30 recites additional limitations, all of which are similar to claim 1 and have been previously discussed. Since these limitations are essentially the same as those previously discussed, they are rejected under the same rationale applied in the previous action dated 5/18/2005.

12. Claim 31 recites limitations similar to claim 2. Claim 32 recites limitations similar to claim 3. Claim 33 recites limitations similar to claim 4. Since these limitations are essentially

the same as those previously discussed, they are rejected under the same rationale applied in the previous action dated 5/18/2005.

Response to Arguments

13. In the remarks, the applicant has argued:

- <Argument 1>

The combination of Warchol and Liang does not disclose the features of claim 1 because it does not disclose “determining whether the management command was received via a management port coupled to the communication bus” as recited in claim 1.

- <Argument 2>

The combination of Warchol and Liang does not disclose the features of claim 2 because it does not disclose “providing, via the communication bus, data to at least one device coupled to the communication bus in response to the step of executing the management command” as recited in claim 2.

14. In response to argument 1, the combination of Warchol and Liang does disclose the features as recited in claim 1. It is maintained that the previous line citations to Liang, abstract, figure 6, and column 8, lines 40-49, satisfy the limitation in question. Liang states that if the DTE address (the unique identifier for the device) matches those associated with the port from which it was received, the message packet is authorized. Thus the packet has been received via (or “by way of”) the matching port.

15. In support of the argument, the applicant has stated that the combination of Warchol and Liang “makes no determination as to whether a command can be executed based on whether the

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receiving port is a management port.” However, this is not a limitation of the claim. The claim states the command being received via a management port. In fact there is no mention at all in the claim of a receiving port or any implications of a destination for the management command. The applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

16. In response to argument 2, the combination of Warchol and Liang does disclose the features as recited in claim 2. It is maintained that the previous line citation to Warchol, column 8, lines 51-57, satisfies the limitation in question. Warchol states that the command requests are serviced, meaning that an event is carried out or a response is provided back to the requesting device. This meets the limitation of “providing data to the first device in response to the step of executing the management command” as claimed. For further clarification, the applicant is directed to Warchol, column 6, lines 20-27 and column 8, lines 46-50, which state various events to be executed including storage and retrieval of the authorization status of the devices.

17. In addition, the applicant has argued that claims rejected under 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

18. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER